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PATENT
Customer No. 22,852
Attorney Docket No. 02481.1707-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Bernward SCHÖLKENS et al.)	Group Art Unit: 1614
)	
Application No.: 10/694,001)	Examiner: R. Henley III
)	
Filed: October 28, 2003)	
)	
For: USE OF INHIBITORS OF THE)	Confirmation No.: 3677
RENIN-ANGIOTENSIN SYSTEM)	
IN THE PREVENTION OF)	
CARDIOVASCULAR EVENTS)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This communication responds to the Office Action dated June 1, 2004.

Claims 16-70 are pending in this application. The Examiner has required restriction under 35 U.S.C. § 121 to one of the following three groups of inventions:

Group I: Claims 16-35 drawn to a method for the prevention or reduction of the risk of a cardiovascular event in a patient with an increased cardiovascular risk.

Group II: Claims 36-52 drawn to a method for the prevention or reduction of the risk of onset of diabetes.

Group III: Claims 53-70 drawn to a method for the prevention or reduction of the risk of diabetic complications in a diabetic patient.

Applicants provisionally elect, with traverse, the claims of Group I (claims 16-35), drawn to a method for the prevention or reduction of the risk of a cardiovascular event in a patient with an increased cardiovascular risk.

The Examiner also required applicants to elect a specific inhibitor of the renin-angiotensin system; a specific optional ingredient from the group of an antihypertensive agent, a cholesterol lowering agent, a diuretic and aspirin; and a specific cardiovascular event. Applicants provisionally elect, with traverse, an angiotensin-converting enzyme inhibitor as the inhibitor of the renin-angiotensin system, a cholesterol lowering agent as an optional ingredient, and myocardial infarction as a cardiovascular event, respectively. To the extent that the Examiner requires applicants to elect a single inhibitor of the renin-angiotensin system, applicants provisionally elect, with traverse, ramipril.


Applicants traverse the restriction requirement and all election requirements because there should not be a serious burden on the Examiner to examine the full scope of all pending claims. See MPEP §803 ("There must be a serious burden on the examiner if restriction is required."). With respect to the election requirements in particular, applicants assume that the Examiner will simply use the elected items as starting points to begin examination, but will nonetheless ultimately examine the full scope of all claims in at least Group I.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 24, 2004

By: 
Steven J. Scott
Reg. No. 43,911